



Order Filed on April 2, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY  
COURT  
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-2(c)

Mester & Schwartz, P.C.  
Jason Brett Schwartz, Esquire  
Bar No. 4217  
1917 Brown Street  
Philadelphia, PA 19130  
(267) 909-9036

**In Re:**

**KELLY A. HAMBURG**  
**a/k/a KELLY A. SIMON and**  
**MICHAEL R. SMITH,**  
**Debtors**

Case No.: 19-11154-JNP

Judge: Jerrold N. Poslusny Jr.

**CONSENT ORDER MODIFYING STAY AS TO MOTOR VEHICLE**  
**2015 MINI COOPER WAGON 4D I3 TURBO**

The relief set forth on the following pages, number two (2) through four (4) is hereby  
**ORDERED.**

**DATED: April 2, 2020**

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

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Debtors: Kelly A. Hamburg and Michael R. Smith  
Case No.: 19-11154-JNP  
Caption of Order: Consent Order Modifying Stay as To Personal Property

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1. The 11 U.S.C. § 362(a) Stay as to BMW Bank of North America., its successors and/or assigns ("Movant"), with respect to the personal property of the Debtors described as a 2015 MINI Cooper Wagon 4D I3 Turbo, V.I.N. WMWXS5C54FT832894, in accordance with the agreement of the Debtors and Movant, is hereby modified and shall remain in effect PROVIDED THAT Debtors comply with the following terms and conditions:

(a) Debtors are current with respect to post-petition payments that have come due through March 30, 2020.

(b) Debtors will resume making all future regular monthly installment payments of \$392.64 (subject to changes for taxes, insurance costs and late fees, if any) beginning on April 5, 2020; Debtors will timely make each payment in accordance with the terms and conditions of the loan document between Debtors and Movant.

2. Debtors will remain current on all payments ripe, due and owing under the terms of the Chapter 13 Plan. Debtors will pay Movant as an administrative expense through the Chapter 13 Plan the sum of \$306.00 for attorney's fees and costs.

3. The term "payment" as set forth in Paragraph 1, *supra*, does not include a check that is returned due to insufficient funds, account closed or is otherwise not capable of negotiation for any other reason.

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Debtors: Kelly A. Hamburg and Michael R. Smith  
Case No.: 19-11154-JNP  
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4. Debtors will be in default under the Consent Order in the event that Debtors fails to comply with the payment terms and conditions set forth in Paragraph 1, *supra*. If Debtors fail to cure the default within thirty (30) days from the date of default, Movant may apply on five days' notice to Debtors and counsel for Debtors and the Chapter 13 Trustee for an order lifting the automatic stays imposed under 11 U.S.C. § 362(a) and permitting Movant to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle without regard to any future conversion of this matter to a different form of bankruptcy.

5. In the event Debtors convert to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtors shall pay all pre-petition arrears and post-petition arrears due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtors fail to make payments in accordance with this paragraph, then Movant, through counsel, may file a Certification of Default setting forth said failure and Movant shall be granted immediate relief from the automatic stay provision of Section 362 of the Bankruptcy Code (11 U.S.C. § 362) and the Movant is then permitted to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle.

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Debtors: Kelly A. Hamburg and Michael R. Smith

Case No.: 19-11154-JNP

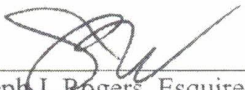
Caption of Order: Consent Order Modifying Stay as To Personal Property

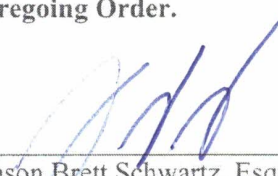
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6. The failure of Movant to issue a notice of default will not be construed or act as a waiver of any of the rights of Movant under the Consent Order.

7. Debtors waive the fourteen (14) day stay provided under Rule 4001(a)(3), F.R.B.P.

**We hereby Consent to the form and entry of the foregoing Order.**

  
\_\_\_\_\_  
Joseph L. Rogers, Esquire  
Washington Professional Campus  
900 Route 168, Suite I-4  
Turnersville, NJ 08012  
Attorney for Debtor

  
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Jason Brett Schwartz, Esquire  
Mester & Schwartz, P.C.  
1917 Brown Street  
Philadelphia, PA 19130  
Attorney for BMW Bank of North America

Certificate of Notice Page 5 of 5

United States Bankruptcy Court  
District of New Jersey

In re:  
Michael R Smith  
Kelly A Hamburg  
Debtors

Case No. 19-11154-JNP  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 02, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Apr 04, 2020.  
db/jdb +Michael R Smith, Kelly A Hamburg, 107 Bowling Green, Voorhees, NJ 08043-4903

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 04, 2020

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 2, 2020 at the address(es) listed below:

Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Jason Brett Schwartz on behalf of Creditor BMW Bank of North America  
jschwartz@mesterschwartz.com  
Joseph J. Rogers on behalf of Joint Debtor Kelly A Hamburg jjresq@comcast.net,  
jjrogers0507@gmail.com  
Joseph J. Rogers on behalf of Debtor Michael R Smith jjresq@comcast.net, jjrogers0507@gmail.com  
Kevin Gordon McDonald on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION  
kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6